

AMENDED IN ASSEMBLY MARCH 29, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1536

Introduced by Assembly Member Bass

February 22, 2005

An act to amend Section ~~831.4~~ 830.7 of the Penal Code, relating to peace officer powers.

LEGISLATIVE COUNSEL'S DIGEST

AB 1536, as amended, Bass. Peace officer power.

Existing law defines peace officers and outlines their powers of arrest, as specified. Existing law further defines those persons who are not peace officers, but may, under certain circumstances, exercise a peace officer's power of arrest.

This bill would grant the power of arrest to certain persons employed by the City of Los Angeles, as specified.

~~Existing law defines security officers as public officers, as specified, and provides the scope of their powers and duties.~~

~~This bill would convey public officer status on employees of the City of Los Angeles who are designated as security officers, as specified.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 831.4 of the Penal Code is amended to~~
- 2 ~~read:~~
- 3 ~~SECTION 1. Section 830.7 of the Penal Code is amended to~~
- 4 ~~read:~~

1 830.7. The following persons are not peace officers but may
2 exercise the powers of arrest of a peace officer as specified in
3 Section 836 during the course and within the scope of their
4 employment, if they successfully complete a course in the
5 exercise of those powers pursuant to Section 832:

6 (a) Persons designated by a cemetery authority pursuant to
7 Section 8325 of the Health and Safety Code.

8 (b) Persons regularly employed as security officers for
9 independent institutions of higher education, recognized under
10 subdivision (b) of Section 66010 of the Education Code, if the
11 institution has concluded a memorandum of understanding,
12 permitting the exercise of that authority, with the sheriff or the
13 chief of police within whose jurisdiction the institution lies.

14 (c) Persons regularly employed as security officers for health
15 facilities, as defined in Section 1250 of the Health and Safety
16 Code, that are owned and operated by cities, counties, and cities
17 and counties, if the facility has concluded a memorandum of
18 understanding, permitting the exercise of that authority, with the
19 sheriff or the chief of police within whose jurisdiction the facility
20 lies.

21 (d) Employees or classes of employees of the California
22 Department of Forestry and Fire Protection designated by the
23 Director of Forestry and Fire Protection, provided that the
24 primary duty of the employee shall be the enforcement of the law
25 as that duty is set forth in Section 4156 of the Public Resources
26 Code.

27 (e) Persons regularly employed as inspectors, supervisors, or
28 security officers for transit districts, as defined in Section 99213
29 of the Public Utilities Code, if the district has concluded a
30 memorandum of understanding permitting the exercise of that
31 authority, with, as applicable, the sheriff, the chief of police, or
32 the Department of the California Highway Patrol within whose
33 jurisdiction the district lies. For the purposes of this subdivision,
34 the exercise of peace officer authority may include the authority
35 to remove a vehicle from a railroad right-of-way as set forth in
36 Section 22656 of the Vehicle Code.

37 (f) Nonpeace officers regularly employed as county parole
38 officers pursuant to Section 3089.

1 (g) Persons appointed by the Executive Director of the
2 California Science Center pursuant to Section 4108 of the Food
3 and Agricultural Code.

4 (h) Persons regularly employed as investigators by the
5 Department of Transportation for the City of Los Angeles and
6 designated by local ordinance as public officers, to the extent
7 necessary to enforce laws related to public transportation, and
8 authorized by a memorandum of understanding with the chief of
9 police, permitting the exercise of that authority. For the purposes
10 of this subdivision, “investigator” means an employee defined in
11 Section 53075.61 of the Government Code authorized by local
12 ordinance to enforce laws related to public transportation.
13 Transportation investigators authorized by this section shall not
14 be deemed “peace officers” for purposes of Sections 241 and
15 243.

16 (i) *Persons regularly employed by any department of the City
17 of Los Angeles who are designated as security officers, provided
18 that the primary duty of these persons shall be the preservation
19 of peace and enforcement of law in or about the properties
20 owned, controlled, operated, or administered by any department
21 of the City of Los Angeles in order to provide protection for the
22 property, patrons, and employees of the City of Los Angeles and
23 any of its departments.*

24 ~~831.4. (a) A sheriff’s or police security officer is a public~~
25 ~~officer, employed by the sheriff of a county or police chief of a~~
26 ~~city, whose primary duty is the security of locations or facilities~~
27 ~~as directed by the sheriff or police chief. The duties of a sheriff’s~~
28 ~~or police security officer shall be limited to the physical security~~
29 ~~and protection of properties owned, operated, controlled, or~~
30 ~~administered by the county or city, or any municipality or special~~
31 ~~district contracting for police services from the county or city~~
32 ~~pursuant to Section 54981 of the Government Code, or necessary~~
33 ~~duties with respect to the patrons, employees, and properties of~~
34 ~~the employing county, city, or contracting entities.~~

35 ~~(b) A sheriff’s or police security officer is not a peace officer~~
36 ~~nor a public safety officer as defined in Section 3301 of the~~
37 ~~Government Code. A sheriff’s or police security officer may~~
38 ~~carry or possess a firearm, baton, and other safety equipment and~~
39 ~~weapons authorized by the sheriff or police chief while~~
40 ~~performing the duties authorized in this section, and under the~~

1 ~~terms and conditions specified by the sheriff or police chief.~~
2 ~~These persons may not exercise the powers of arrest of a peace~~
3 ~~officer, but may issue citations for infractions if authorized by the~~
4 ~~sheriff or police chief.~~

5 ~~(e) Each sheriff's or police security officer shall satisfactorily~~
6 ~~complete a course of training as specified in Section 832 prior to~~
7 ~~being assigned to perform his or her duties. Nothing in this~~
8 ~~subdivision shall preclude the sheriff or police chief from~~
9 ~~requiring additional training requirements.~~

10 ~~(d) Notwithstanding any other law, nothing in this section~~
11 ~~shall be construed to confer any authority upon any sheriff's or~~
12 ~~police security officer except while on duty, or confer any~~
13 ~~additional retirement benefits to persons employed within this~~
14 ~~classification.~~

15 ~~(e) A person regularly employed by any department of the~~
16 ~~City of Los Angeles who is designated as a security officer is a~~
17 ~~public officer, provided that the primary duty of that person shall~~
18 ~~be preservation of peace and the enforcement of law in or about~~
19 ~~the properties owned, controlled, operated, or administered by~~
20 ~~any department of the City of Los Angeles in order to provide~~
21 ~~protection for the property, patrons, and employees of the City of~~
22 ~~Los Angeles and any of its departments.~~